

PLANNING BOARD MEETING

February 6, 2017

Municipal Center, Burleigh H. Loveitt Council Chambers
75 South Street, Gorham, Maine

Members Present

EDWARD ZELMANOW, Chairman
SCOTT HERRICK, Vice Chairman
JAMES ANDERSON
SCOTT FIRMIN
GEORGE FOX
LEE PRATT

Staff Present

THOMAS M. POIRIER, Town Planner
MARK BOWER, Town Attorney
BARBARA C. SKINNER, Clerk of the Board

Edward Zelmanow, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that all members were present.

APPROVAL OF THE JANUARY 9, 2017 MINUTES

Scott Herrick MOVED and George Fox SECONDED a motion to approve the minutes of January 9, 2017, as written and distributed. Motion CARRIED, 6 ayes. [7:02 p.m.]

COMMITTEE REPORTS

- A. **Ordinance Review Committee** – Mr. Herrick reported that the Committee has not met since the last meeting.
 - B. **Streets and Ways Committee** – Mr. Zelmanow noted that this Committee has not met since the last Board meeting.
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CHAIRMAN'S REPORT – Mr. Zelmanow announced that there is still a vacancy on the Planning Board and invited anyone interested in serving to contact the Clerk's office for more information.

ADMINISTRATIVE REVIEW REPORT – Mr. Poirier reported that there are four Administrative Reviews under way: 198 Main Street for a mixed use garage; Greg Isherwood, 19 Bartlett Road, an amendment to his site plan to revise a vehicle turnaround; PineCrest, awaiting submission of final plans; and V&M Rentals, additional canvas storage buildings.

Mr. Poirier noted that the Board is currently reviewing ordinance language for barber poles, and agricultural building events centers which are to be reviewed, probably by the Board's Ordinance Subcommittee, for a discussion on performance standards. In addition, proposed ordinance language for contractors' yards in the Rural District will come before the Board for public hearing.

ITEM 1 **PUBLIC HEARING – Land Use and Development Code** – Chapter 2 Section 3 Signs – to allow rotating barber poles.

Mr. Poirier said that this item was last on as a workshop item at the January 9, 2017 meeting. Under the Ordinance, signs that rotate are prohibited and barber poles are a type of sign, and the Town Council is proposing to allow such signs be allowed to move. Mr. Poirier said that the proposed ordinance language removes restricting barber poles from being able to move or rotate; the Board should make a recommendation to the Town Council on the proposed amendment.

In reply to Mr. Zelmanow, Mr. Poirier said that another part of the ordinance deals with the number of allowed barber poles, and this proposed change simply addresses whether or not they can move. Mr. Firmin suggested that the final sentence in the proposed language be amended to put “ barber poles” at the end of the sentence so that it reads as follows: “This restriction also does not apply to clocks, thermometers, and similar displays that change in response to the information being monitored provided that the display does not flash, and barber poles.” The Board concurred.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and Scott Firmin SECONDED a motion to recommend adoption by the Town Council of the proposed sign amendment regarding barber poles. Motion CARRIED, 6 ayes. [7:10 p.m.]

ITEM 2 PUBLIC HEARING – Subdivision/Site Plan Amendment – Design Dwellings, Inc. – request for approval to amend Snowbird Condominiums to add 3 new units with approximately 1.07 acres, on property located off Connor Drive in Allen Acres Subdivision off Main Street, Map 26 Lot 7.225 and a portion of Map 108 Lot 4, Office Residential/Urban Residential zoning districts.

Mr. Poirier advised the Board that the item was last before the Board for review on June 20, 2016, at which time the Board moved it to a consent agenda should the applicant address all staff comments, as well as securing its DEP permit. The DEP permit has been obtained, but there are a number of items which still require the Board’s consideration, so the item has been placed on the agenda this evening for a public hearing.

Mr. Poirier said that items still be to be resolved, as referenced in the staff notes, involve the maximum number of dwelling units which the site can support and the ability of the site to support the development, which should be reviewed under Findings of Fact A, G, and K. Regarding the design of the proposed turnaround, the Board should consider Findings of Fact B, Vehicular Access. Questions about slopes should be reviewed under Findings A, G and K. Issues remain regarding Carnation Drive, which was approved as an Urban Access Street, which allow between 0 and 250 average daily trips, but Carnation Drive was approved for 282 trips. The applicant now seeks to increase the number of average daily trips to 303. Mr. Poirier said staff has contacted the Town’s Attorney on how to deal with that proposed increase, and has been advised that basically it would involve a waiver request by the applicant to increase the average daily trips. The Town Attorney is present this evening should the Board have any questions about such a waiver request.

Andrew Morrell, BH2M Engineers, came to the podium and introduced Susan Duchaine. Mr. Morrell said that the applicant has received the required DEP permit in joint form for this project and the Ward Hill Condominiums project, as technically both projects are considered as amendments to the Allen Acres Subdivision permit. Items which have changed since the applicant was last before the Board in June involve trees having been added along Connor Drive; the applicant has met with the Fire Chief about a turnaround to be created in front of unit 9, one of the 3 new proposed units for this project; turning templates have been provided to the Town’s review engineer; units 6, 7 and 8 have been relocated; and the driveway for the existing house is now shown off Connor Drive. Easement language and homeowners’ documents requested by the Town Attorney will be provided prior to endorsement of the plan. Building coverage calculations will be added to the plan. Landscaping details will be provided.

As part of the permitting with the Maine DEP, Mr. Morrell said the previous stormwater design for units 9, 10 and 11 called for stormwater to be collected in a vegetated ditch behind the units and directed to Connor Drive, ultimately flowing into the Carnation Drive stormwater system to a pond in Allen Acres. As part of

the DEP review, the applicant was required to handle stormwater on its own site, so the grading around units 9, 10 and 11 has been redesigned so that stormwater is now collected in a vegetated ditch and a vegetated soil filter field behind unit 10. DEP has reviewed the proposed design and approved it. The applicant has received an ability-to-serve letter from the Portland Water District.

Mr. Anderson and Mr. Morrell discussed the narrowing of the forested buffer as a result of pushing units 6 and 7 closer to the abutting properties, with Mr. Anderson asking if there is still sufficient visual buffering between those two proposed units and the neighbors. Mr. Morrell said that at its narrowest point, the wooded buffer still remains a 22 foot buffer, ranging from 52 feet on one side to 96 feet on the other, which he believes is sufficient for an in-fill project such as this one. Mr. Zelmanow said that in the original plan unit 6 was some 60 feet from the abutting property line, now it looks as though it is down to 35 feet.

Mr. Fox asked the trip calculations on Carnation Drive. Mr. Poirier said that the increased number of 250 for Carnation Drive was missed during the last review and it was approved at 282. Mr. Zelmanow said that the applicant would need to submit a waiver request for the proposed increase above 282. Mr. Morrell said that the applicant does not have a waiver prepared for the increase in average daily trips.

Mr. Herrick and Mr. Morrell discussed the proposed hammerhead in the driveway of unit 9, with Mr. Herrick asking about how the applicant proposes to deal with prohibiting use of the hammerhead for parking. Susan Duchaine, applicant, came to the podium and told the Board that a full disclosure form is provided to all home buyers with copies of all permits and conditions of approval, and on that particular lot something would have to be signed by the buyer that the limitations on the hammerhead/drive are fully understood. It could also be shown on the deed for the lot. Ms. Duchaine said she believes that the Fire Chief is comfortable with the design. Mr. Morrell said the applicant would be willing to install some type of sign.

Mr. Poirier said that enforcement of no parking signs on private property will not be done by the police department. He said that if someone is violating the approval, the Code Enforcement Officer will have to cite someone who will not be the person who is parking. So the Board will have to mandate that the condominium association will be the required enforcer of any no parking restrictions. In addition, Mr. Poirier recommended the addition of some sort of paint or change in surface between the drive and the hammerhead. Mr. Poirier said that Snowbird Condominiums is the only condominium development of which he is aware that did not have a hammerhead when it was initially approved.

In response to Mr. Anderson, Mr. Morrell said that the association will be responsible for snow removal from the hammerhead. Mr. Morrell advised Mr. Herrick that snow storage area between lots 8 and 9 and 9 and 10 and to the west of unit 11 will benefit the condominiums. There will be mail boxes at the entrance of Allen Acres for the entire Allen Acres and Snowbird Condominiums projects.

The Board discussed the difficulty of distinguishing a grass walkway from a grassy lawn area. Mr. Morrell said that the applicant can consider some type of different surface for the walkway. The Board concurred that the walkway will be more useful if it is a more durable surface such as stone dust.

Mr. Anderson brought up the issue of the average daily trips on Carnation Drive, asking if this Board can go require something that was missed by an earlier Board be required today, or should the Board move forward from this point. Mr. Poirier said that the applicant has what was granted previously, but if they are asking for more than that, they are subject to the requirements. Mark Bower, Town Attorney, said that the applicant has a de facto waiver of the street standard requirement because it was approved at 282, but once they apply for an amendment to a plan, all bets are off and current standards have to be met.

Mr. Bower confirmed that under the Code's Chapter 3, Subdivision, F. 2 "The Planning Board may waive the procedures leading up to the Final Approval required under Sections 3-3 and 3-4 of this chapter when, in its opinion, the development is not of potential impact so as to required governance of this chapter or

provisions thereof. The developer may make such request in writing to the Planning Board without appealing in person before it. In so waiving the requirements of those sections, the Planning Board shall nonetheless require a satisfactory description of the nature and extent of the development proposed in drawings and otherwise as necessary to provide a basis on which to give approval” and saying that the application documents may be sufficient for that purpose. Quoting from Section 3 C. 2) a, Mr. Bower read that the development “Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter 2,” which refers to street design standards. Continuing, Mr. Bower quoted from the Code dealing with site plan review that “The applicant shall submit a waiver request in writing accompanying the site plan application submission.” Mr. Bower said that this waiver language is what would be applicable here and why the waiver request needs to be in writing.

Mr. Zelmanow confirmed that water and sewer will be public.

Mr. Zelmanow called for a ten minute break to allow the applicant and her engineer to craft a waiver request of the average daily trip requirements for Carnation Drive.

Ten Minute Break

Mr. Zelmanow noted that the applicant drafted the following waiver request, presented to the Town Planner:

“Susan Duchaine requests a waiver from the Town of Gorham Land Use Code to allow the average daily traffic totals for Carnation Drive, serving both the Allen Acres Subdivision and Snowbird Condominiums project, to exceed 250 trips to 303.”

Scott Herrick MOVED and James Anderson SECONDED a motion to approve Susan Duchaine’s request that the number of trips be allowed to exceed 250 trips to 303, as submitted in the waiver request and read by the Town Planner. Motion CARRIED, 6 ayes.

Mr. Zelmanow referred to Mr. Morrell’s comments about the revised stormwater management plan around units 9, 10 and 11 having been redesigned so that stormwater is now collected in a vegetated ditch and a vegetated soil filter field behind unit 10, noting that this change does not appear on the plans before the Board this evening. Mr. Zelmanow asked if the Town’s peer review has had the opportunity to review the change; Mr. Morrell said the change was just made a couple of days ago per the DEP approval. A lengthy discussion ensued among the Board, Mr. Morrell and the applicant, with the consensus of the Board being that even though the change may have been approved by the DEP, it must be shown on the plans and be reviewed by the Town’s Review Engineer to determine if it meets Town standards. Mr. Poirier noted that the DEP reviews to its standards, and the Town Engineer reviews to those of Gorham. In reply to a comment from the applicant, Mr. Poirier said that the Board does not have the ability to delegate review to staff as to whether or not Findings of Fact are met. Mr. Bower concurred with Mr. Poirier’s statement.

PUBLIC COMMENT PERIOD OPENED: Jeff Merrill, 15 Lawn Avenue, spoke about his concerns with the adequacy of the proposed buffering and asked that mixed shrubs be added to the proposed landscaping.

Mr. Poirier explained once again how the review process was changed in response to past criticisms, noting that while it does take time, it is designed to give the Board the information it needs to make informed decisions on information provided by an applicant. He recommended that the Board tell the applicant exactly what needs to be submitted so the next time the applicant comes before it, the Board has the information it needs. Mr. Zelmanow summarized the items that still need to be addressed as follows: the new stormwater design behind unit 10 needs to be shown on the plans for review by the Town’s Engineer;

the turnaround in front of unit 9 needs to be shown as a striped surface different from the driveway; signage needs to be provided to prohibit parking in the turnaround in the driveway of unit 9; the condominium documents need to reflect that the condo association has the responsibility to enforce any no parking; and the proposed walkway needs to be distinguished from the grass area by a change in surface or striping. Mr. Morrell advised Mr. Firmin that no slopes greater than 3:1 are proposed anywhere near the buildings. Mr. Anderson recommended adding evergreen trees on the back of lots 5, 6, and 7, especially at the narrowest point of the buffer. It was agreed that the item could be placed on the Board's March 20, 2017 meeting agenda.

PUBLIC COMMENT PERIOD ENDED.

George Fox MOVED and Lee Pratt SECONDED a motion to postpone further review of Design Dwellings, Inc.'s request for preliminary subdivision and site plan approvals pending responses to remaining issues and finalizing revisions to the plans. Motion CARRIED, 6 ayes. [8:45 p.m.]

ITEM 3 PUBLIC HEARING – Subdivision/Site Plan Review – Susan Duchaine, Inc. – request for approval of Ward Hill Condominiums, a 14-unit condominium project, on property located at 346 Main Street, Map 108 Lot 4 and a portion of Map 108 Lot 3, in the Office Residential/Urban Residential zoning districts.

Mr. Poirier told the Board that the applicant was last before it on October 17, 2016, at which time there were extensive discussions about the ability of the site to support the number of single-family condominiums, concerns about slopes on the site, and the layout of the private drive.

Andrew Morrell, BH2M Engineers, appeared on behalf of the applicant and advised the Board on changes made to the plans since October 17, 2016. A cross section on each side of Stephen Ward Drive has been added to the plans and the scale of the grading plan has been changed. The stormwater design has been modified so there is no peak runoff rate exceeding the pre-development rate at either property downstream of the project. The DEP permit has been provided. Photos of the existing tree line along Lawn Avenue have been added to show what the buffer looks like. In order to deal with the Board's concerns about the congestion associated with the units 5 to 8 and their relationship with the proposed turnaround, Stephen Ward Drive has been extended some 110 to 120 feet along the common boundary with unit 12 in the Snowbird Condominium project and a 5 foot extension to a turnaround has been added abutting unit 12. Mr. Morrell said they have met with the Fire Chief, who has endorsed the plan, and a hydrant has been added in front of unit 12 as requested by the Fire Chief. This reconfiguration allows each unit to have a driveway off Stephen Ward Drive. Changing Stephen Ward Drive has resulted in a regrading of the site, limiting the slopes along the buildings to 3:1 slopes. With regard to the Board's concerns about the density of the project, the applicant proposes that 9 of the units will be smaller in size.

Mr. Morrell said that they have received an ability-to-serve letter from the Portland Water District, which has been provided to the Town. Sewer and water for the project will be public and a 40-foot wide Portland Water District easement has been added along Stephen Ward line, and the water main depth has been changed to 5-1/2 feet along the entire length. The hydrant has been moved to the other side of the street in the general location of unit 14 so as not to conflict with the sewer line.

Mr. Herrick and Mr. Morrell discussed how someone would back out of unit 8. In reply to Mr. Zelmanow, Mr. Morrell said the distance between units 7 and 8 is about 8 feet. Mr. Herrick said he believes that the current layout is safer but the site is very crowded. Ms. Duchaine said that the closeness of the buildings does not concern her as marketing has been shown that buyers would rather have a stand-alone unit rather than a unit with a shared wall. Mr. Anderson asked about access to the filtration bed for maintenance; Mr. Morrell replied there will be an access road north of unit 8. Mr. Morrell and Mr. Fox discussed the amount of fill that would be needed for some of the units. Mr. Zelmanow asked that the same changes to be made to the walking path of the Snowbird Condominiums project be made to this project's walking path as well to

delineate a different surface for the walking path. Mr. Zelmanow confirmed that there will be a clustered mailbox for this project.

Mr. Zelmanow asked the Board if everyone is satisfied with the design and the density of locating the 14 units as they are shown on the plan. Mr. Fox asked what the basis would be to make the determination that the proposed plan is too dense as it looks like the project meets the unit density requirements. Mr. Poirier said that the density calculations are found in the multi-family or multi-dwelling unit per lot calculation, and the allowed number of 14 lots is based on site conditions. The Board should determine how well the it feels that the proposed development meets the requirements in Chapter 4, Standards for Review. Mr. Poirier read the following Standards in particular:

“A. Utilization of the Site - The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent.”

“G. Erosion Control – For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earth moving activity will be kept to a minimum. Parking lots on sloped areas will be terraced to avoid undue cuts and fills, and the need for retaining walls. Natural vegetation will be preserved and protected wherever possible.”

“K. Natural Features – The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

- 1) Extensive grading and filling will be avoided as far as possible.
- 2) Cutting of trees on the northerly borders of the development will be avoided to the extent possible to retain a natural wind buffer.”

Mr. Morrell said that he believes the Board decided in October that if they could do something different with lots 5 through 8, it would support the density of the project. Ms. Duchaine said she believes that the project meets all the requirements as read by the Town Planner.

Mr. Herrick said he still has concerns with those same units because they are going to be so close but taking out one unit will probably not change what will have to be done with fill. Mr. Zelmanow said he doesn't believe this is a child -friendly development and believes that potential buyers in this kind of development would prefer having stand-alone units. The consensus of the Board is that no Board member feels that the lot cannot support 14 units.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Mr. Anderson confirmed with Mr. Morrell that some of the existing trees will be preserved with tree wells around them, but if it turns out during construction that they cannot be saved there is a note on the plan that they will be replaced.

Ms. Duchaine asked to be considered for both preliminary and final approval this evening. Mr. Poirier said that no waiver for preliminary and final approval was been submitted. The easement deeds need to be submitted for review, and the condominium documents need to be submitted as well. The Portland Water

District easement is not shown on the final plans as yet. Mr. Zelmanow asked if the outstanding items can be conditioned; Mr. Poirier said the item could be placed on a consent agenda if all the documents are submitted and meet the approval of the Town Attorney. Mr. Bower said that the issue of the 5 foot extension of the turnaround could be conditioned because the Board has already seen what the hammerhead looks like; however, the easement deeds have not yet been reviewed, so there could be significant issues or things that need to be addressed and that is not appropriate for conditional approval, but more of a consent agenda item. Mr. Poirier said staff will try to schedule the item as a consent agenda item at a March meeting.

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Susan Duchaine Inc.'s request for preliminary subdivision approval for Ward Hill Condominiums, a 14-unit residential condominium project located on 3.22 acres off Main Street on Map 108 Lot 4 and a portion of Map 108 Lot 3 in the Office Residential/Urban Residential zoning districts based on Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes. [9:30 p.m.]

ITEM 4 PUBLIC HEARING – Site Plan Amendment – Greg and Angela Fall – a request for approval to complete the lower level of the building at 380 Main Street for additional commercial office space, on property located at the corner of Main Street and Libby Avenue, Map 109 Lot 1.001, Office Residential zoning district.

Mr. Poirier reminded the Board that the Board had a pre-application meeting with the applicants on this item. The project was originally approved as an Administrative Review site plan for the first floor of a building and a parking lot. The applicants are now seeking approval to develop the lower floor of the building as additional office space, which is now site plan review and under the purview of the Planning Board. The applicants are seeking a waiver of one required parking space, there is adequate legal on-street parking located within 200 feet of this use, and that the Board can grant the requested waiver if this parking will be safe, available and convenient to meet the required parking. Further, Mr. Poirier noted that the Office Residential zoning district identifies as maximum floor area ratio that a site can have. If the applicants were to develop the entire lower floor area, they would exceed what is allowed under the floor area ratio calculation. Therefore, in order to comply with the maximum floor area ratio, the applicants would be able to finish only 1,854 square feet of the lower level and the area remaining would need to be walled off as unusable.

Mr. Poirier noted that in Finding E, it is not a wooden handicapped accessible ramp, it is a paved ramp.

In reply to Mr. Zelmanow, Mr. Poirier said that parking is allowed along Main Street and is shown on the site plan, which is incorporated by reference. Mr. Bower said that the Board can take into account their own personal knowledge of the site to support the finding that there is a parking spot within x number of feet.

Mr. Zelmanow asked if condition of approval 8, dealing with the space that cannot be used, should include specific numbers. The condition was amended as follows: "That the maximum floor ratio for both levels shall not exceed a maximum ratio of 0.15 allowed in the Office-Residential District; and any remaining area over 0.15 will need to be walled off as unusable." Mr. Fox asked what constitutes "unusable;" Mr. Poirier replied that it cannot be used for any purpose, it is a performance standard, and the Board does not have the ability to grant a waiver of a performance standard.

PUBLIC COMMENT PERIOD: Angela Fall came to the podium and said she and her husband were not going to worry about the small amount of unusable space in the lower level.

PUBLIC COMMENT PERIOD ENDED.

Scott Herrick MOVED and George Fox SECONDED a motion to grant Greg and Angela Fall's request for a waiver of one required parking space because existing parking spaces are located within 200 feet of the site. Motion CARRIED, 6 ayes. [9:40]

Scott Herrick MOVED and James Anderson SECONDED a motion to grant Greg and Angela Fall's request for site plan approval to complete the lower level of the building at 380 Main Street for additional commercial office space, on property located at the corner of Main Street and Libby Avenue, Map109, Lot 1.001, in the Office Residential zoning district, with Findings of Fact and Conditions of Approval as written by the Town Planner and modified by the Planning Board. Motion CARRIED, 6 ayes. [9:42]

OTHER BUSINESS

NONE

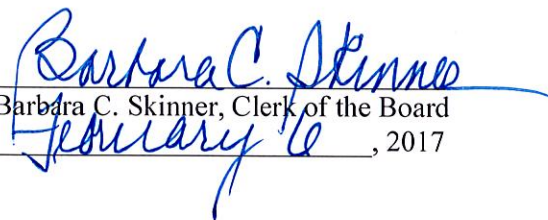
ANNOUNCEMENTS

There will be two meetings in March: one on March 6 and the second on March 20, 2017.

ADJOURNMENT

George Fox MOVED and James Anderson SECONDED a motion to adjourn. Motion CARRIED, 6 ayes. [9:48 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
February 6, 2017

ITEM 4 GREG AND ANGELA FALL – SITE PLAN AMENDMENT FOR 380 MAIN STREET

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The plans identify the lot as having 24,835 square feet of lot area and 104.97 feet of street frontage along Main Street and 208.07 feet along Libby Avenue. The impervious coverage ratio for the project is 0.38 which is below the maximum impervious coverage ratio of 0.40.

The floor area of the proposed first floor is 1,980 sq.ft. which gives the site a floor area ratio of 0.08. The maximum floor area ratio in the Office Residential district is 0.15. The applicant is allowed to construct a maximum of 1,865 sq.ft. of floor area on the lower level in order to stay under the 0.15 maximum floor area ratio.

The applicant has submitted a master sign plan which shows the location of business signs to be located on a free-standing ground-mounted sign in the southeastern corner of the lot.

Finding: The plan for the development reflects the natural capabilities of the site to support the development.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

Access to the site is via Libby Avenue near the intersection with Main Street, State Route 25. Libby Avenue is designated as a collector road by the Town of Gorham. The proposed use of the lower floor is expected to generate an additional 25 vehicle trips per day. The busiest a.m. hour between 9 a.m. and 10 a.m. is proposed to generate 5 trips and the busiest p.m. hour between 4 p.m. and 5 p.m. is proposed to generate 4 trips.

Finding: Libby Avenue and Main Street/State Route 25 have the capacity to accommodate the traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Access into the site will be from a 24' wide paved driveway located on Libby Avenue. The driveway's site distance on Libby Avenue exceeds the minimum requirements. The driveway will be located 130' from the intersection of Main Street, State Route 25, and Libby Avenue.

No changes are proposed.

Finding: The current vehicular access into the development provides for safe and convenient access.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

The paved driveway is at least 24' wide, which will allow two-way traffic into the parking lot. The parking lot will also have a turn-out area on the end of the lot which will allow all the cars to back out of the parking stalls and drive out of the site without the need to back into Libby Avenue.

No changes are proposed.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

A five-foot bituminous front walkway will direct pedestrian circulation from the sidewalk along Main Street, State Route 25, to the covered front porch. A wooden handicapped accessible ramp will allow pedestrians to walk from the rear parking lot to the front covered porch. A five-foot wide bituminous sidewalk is located along the southern edge of the parking lot, allowing pedestrian access from the parking lot to the wooden handicapped ramp.

The applicant will construct a five-foot sidewalk in the right-of-way along Libby Avenue for the entire length of the lot. The sidewalk will have a seven-foot grass esplanade along Libby Avenue.

No changes are proposed.

Finding: *The plans provide a system of pedestrian circulation within the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Stormwater from the parking lot area will be directed to a swale that runs from the western side of the parking lot northeasterly to the ditch located in Libby Avenue. Stormwater from the building and walkway will be allowed to sheet flow across the lawn area.

The lot is located within the Town of Gorham's Urbanized Area and is subject to the Town of Gorham's Post-Construction Stormwater Management Ordinance.

No changes are proposed.

Finding: *The stormwater run-off will not have adverse impacts on abutting or downstream properties and the biological and chemical properties of the receiving waters downstream will not be degraded.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

Erosion control shall be located around the disturbed area until the lawn area has been revegetated. The project is required to meet the standards identified in Maine Erosion and Sediment Control BMPs, Bureau of Land and Water Quality, Maine Department of Environmental Protection.

Finding: *The plan utilizes existing topography and desirable natural surroundings to the fullest extent possible.*

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

A 1" water stub serves the existing building from the Portland Water District's 12" water main located in Libby Avenue.

The applicant has requested an ability-to-serve letter from the Portland Water District. The applicant shall provide the ability-to-serve letter prior to scheduling of the pre-construction meeting.

Finding: *The development provides a system of water supply that provides for an adequate supply of water meeting the standards of the State of Maine for drinking water.*

- I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

A 6" gravity sewer line serves the building and is connected into the Portland Water District's 8" sewer main located in Libby Avenue.

No changes are proposed.

Finding: *The development provides for sewage disposal for the anticipated use of the site.*

- J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

The site is served by underground power, telephone, and cable from a utility pole located in the Libby Avenue right-of-way. Underground utilities have been installed from the existing pole into the building.

No changes are proposed.

Finding: *The development will provide for adequate electrical and phone service to meet the anticipated use of the project.*

- K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

No changes to the site's natural features are proposed.

Finding: *The development of the site will preserve the existing vegetation to the greatest extent practical during construction.*

- L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

The building is served by public water and sewer. No impacts to the water table are proposed with the development of the site.

Finding: *The proposed development will not adversely impact either the quality or quantity of the groundwater available to abutting properties or public water supply systems.*

- M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The front walkway and the wooden handicapped ramp will be illuminated by ground-mounted solar lights. Four lights will be installed along the front walkway and six lights will be installed along the wooden handicapped ramp.

A wall-mounted flood light will be located to the rear of the building. The wall-mounted flood light shall be a full cut-off light.

No changes are proposed.

Finding: The proposed development provides for adequate exterior lighting to provide for the safe use of the development during nighttime hours.

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

A dumpster is located in the southwestern portion of the parking lot which will serve both businesses. A concrete pad supports the dumpster with a 6' vinyl fencing and posts.

No changes are proposed.

Finding: The proposed development provides for adequate disposal of solid wastes and hazardous wastes.

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The site currently has two landscaped beds along the eastern property line with Libby Avenue to break up the parking areas from Libby Avenue. The landscaped beds will have a mix of evergreen trees, deciduous shrubs, and plants.

The applicant is proposing to install additional landscaping along the front of the building, as well as a landscaped bed located around the ground-mounted sign on Main Street.

Finding: The proposed plan will provide landscaping to soften the appearance of the development.

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is not located in the Shoreland Overlay District. Storm water from the side will be allowed to sheet flow across the site or to a ditch to be directed into the storm water infrastructure located in Libby Avenue.

No changes are proposed.

Finding: The development will not adversely affect the water quality or shoreline of any adjacent body of water.

R. Technical and Financial Capacity: The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant is proposing to fund the proposed site plan improvements with private funds.

Finding: *The applicant has the financial and technical capacity to complete the project in accordance with Gorham's Land Use and Development Code and the approved plan.*

- S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The applicant is proposing to utilize existing vegetation in the northern side setback as a vegetated buffer area. Removal of vegetation is limited to dead, dying, or diseased trees with the approval of the Town Planner. No changes are proposed to the buffer area.

The applicant is proposing to install additional landscaping along the front of the building, as well as a landscaped bed located around the ground-mounted sign on Main Street.

Finding: *The development provides buffering to screen service and storage areas.*

- T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

The use at the site as an office building use is required to meet the noise regulations under this section.

Finding: *The development will comply with the A-weighted hourly equivalent sound level limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am).*

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Director of Planning may approve;
2. That prior to the commencement of construction, the applicants are responsible for obtaining all required local, state and federal permits;
3. That the proposed use on the site shall meet the sound level requirements outlined under Chapter IV, Section IX, T. Noise; ;
4. That the building will meet all applicable sections of the NFPA 101 Life Safety Code and the NFPA Fire Prevention Code 1;
5. That the applicant shall provide a performance guarantee totaling 125% of the costs to complete the site work meeting the approval of Town Staff prior to issuance of a building permit;
6. That the landscaping shown on the plan shall be completed prior to issuance of a final certificate of occupancy for the lower commercial unit;
7. That all relevant conditions of approval from the prior Administrative Review shall remain in effect;
8. That the maximum floor ratio for both levels shall not exceed a maximum ratio of 0.15 allowed in the Office-Residential District; and any remaining area over 0.15 will need to be walled off as unusable;

9. That the Site Plan Committee Chairman is authorized by the Site Plan Committee to sign these Findings of Fact on behalf of the entire Committee; and
10. That these conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of receipt of notice of the Planning Board's approval, and a copy of the recorded Decision Document shall be returned to the Town Planner prior to a building permit being issued for construction of the lower unit.